

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	WC Docket No. 07-38
Development of Nationwide Broadband)	
Data to Evaluate Reasonable and Timely)	FCC 08-89
Deployment of Advanced Services to All)	
Americans, Improvement of Wireless)	
Broadband Subscribership Data, and)	
Development of Data on Interconnected)	
Voice of Internet Protocol (VoIP))	
Subscribership)	

**COMMENTS OF
THE PEOPLE OF THE STATE OF ILLINOIS
FURTHER NOTICE OF PROPOSED RULEMAKING**

THE PEOPLE OF THE STATE OF ILLINOIS

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I. Introduction

The People of the State of Illinois submit Comments on four issues:

First, the People support FCC collection of telephone subscribership from local exchange carriers and interconnected VoIP providers on a Census Tract level. (Para. 33.)

Second, the People support Commission collection of broadband pricing information. (Para. 38.) Although there are price variations due to the packaging of differing speeds or of disparate services, consistent reporting can be developed that will provide meaningful information to the Commission and the public. The Commission and local policy makers need consistent and reliable information to compare and follow pricing trends and to understand consumer response to broadband availability.

Third, the People submit that the Census Tract level reporting of broadband connections and of pricing will enhance the Commission's ability to assess the extent of broadband deployment and to determine what action would be appropriate to further broadband deployment in areas where it is lacking, as required by Section 706 of the Telecommunications Act of 1996. (Para. 38.)

Fourth, the People question whether it is appropriate to treat the geographic location of broadband connectivity as confidential information. (Para. 39.) Broadband availability is a commercial service offered to the public at large, and the public needs to know where that service is available. To the extent that there are legitimate confidentiality issues, which the People do not concede, the public interest in mapping broadband availability and extending service to unserved areas must be recognized and accommodated.

II. Reporting Telephone Subscribership Data By Census Tract Will Provide The Commission And The Public With A Consistent Source Of Information To Assess Competition Within Each State And To Assess Petitions For Forbearance And Other Requests For Relief.

In its Report and Order, the Commission concluded that broadband connections should be reported on the basis of Census Tract. Para. 2. This is appropriate because historical reporting on a five digit zip code level failed to provide sufficient information to accurately reflect the extent of broadband availability. In the Further Notice of Proposed Rulemaking, the Commission asked whether local exchange carriers and interconnected VoIP providers should be required to report telephone subscribership on a Census Tract level as well. Para. 33.

The People believe that extending the Census Tract reporting requirement to telephone subscribership is an appropriate change that will provide additional, useful data to the Commission and the public and will not unreasonably burden the carriers. Most, if not all, local exchange carriers offer broadband service over their existing networks. In Illinois, state law required incumbent local exchange carriers to offer “advanced telecommunications services,” being a connection to the Internet at 200 kilobits per second or greater,¹ to no less than 80% of their subscribers by January 1, 2005. 220 ILCS 5/13-517. Under the new reporting requirement, these carriers will be required to report their broadband connections by Census Tract, and making a consistent report for the telephone service is appropriate and should not be unduly burdensome. Although there will certainly be a transition from zip code reporting to census tract reporting on the broadband side, once the staffing, software, and organization needed to report broadband

¹ This definition was consistent with the FCC’s definition of high speed Internet connection at the time.

connections and speed by Census Tract are in place, these resources can be used to report telephone connections by Census Tract as well.

There is substantial value to reporting telephone subscribership on a more detailed level than the current statewide reporting method. The areas served by the larger LECs, such as AT&T and Verizon, vary considerably by population, size, and other characteristics. When information is provided on a statewide basis, dissimilar situations involving competition, availability, and cost are masked. The importance of being able to discern differences among service areas has been highlighted by the recent forbearance petitions based on Metropolitan Statistical Areas (MSA), study area, or exchange. See, e.g., 20 F.C.C.R. 19417, ¶ 20 (Dec. 2, 2005)(Qwest, Omaha, Nebraska MSA); 22 F.C.C.R. 21307 (Dec. 5, 2007)(Verizon, six MSAs in five states); 22 F.C.C.R. 1958 (Jan. 30, 2007)(ACS, Anchorage Study Area); Qwest Petition for Forbearance, WC 07-9 (April 21, 2008)(Terry, Montana exchange). If telephone service information at the Census Tract level is available, the Commission and the public will have ready access to data when faced with requests that are based on the competitive situation in a particular area that is smaller than an entire state.

States can also benefit if local exchange carriers are required to report their telephone subscribership on a Census Tract basis. For example, the Illinois Commerce Commission prepares an Annual Report on Telecommunications Markets in Illinois pursuant to statute. 220 ILCS 5/13-407. The smallest reporting unit in the Report is the LATA, which may include several carriers and disparate service areas. See <http://www.icc.illinois.gov/industry/generalassemblyreports.aspx?type=Telecom> Once telecommunications carriers, cable operators, VoIP providers, and other broadband and

telephone service companies have established the appropriate systems to track telephone and broadband connections by Census Tract, information prepared on the state level will become more meaningful and more granular. A national reporting requirement at the Census Tract level will assist both this Commission and state commissions in identifying and responding to broadband and telephone service trends.

III. Broadband Providers Should Report Prices To Reflect Differences Among Census Tract Levels.

The Commission seeks comment on whether broadband providers should report prices for each state or each Census Tract in which they offer service. Further, if a provider offers the same price for all of its services nationally, the Commission seeks comment on permitting the provider to report the monthly national price. Para. 38.

The People of the State of Illinois recommend that the Commission require price reporting for each Census Tract to the extent that there are price differences among the Census Tracts served by the provider. Similarly, to the extent that there are price differences among the states served by a national carrier, those different prices should be reported. If a carrier has one price regardless of location, the carrier should identify each Census Tract where these prices are available, consistent with its reporting of broadband connections. Pricing data should be collected so that precise analyses of urban/suburban/rural prices, statewide pricing, or regional pricing can be accomplished.

IV. When Standalone Prices Are Offered, The Commission Should Require Reporting Of Standalone Price Information, But The Commission Should Not Attempt To Derive A Standalone Price In The Absence Of One.

The Commission seeks comment on requiring providers to report, for each State or Census Tract, the monthly price for standalone broadband service. Para. 38.

Reporting the price for standalone broadband service should be the minimum broadband reporting required by the Commission. The standalone price is the easiest to compare and understand. Further, it represents the price consumers who may want to use an independent VoIP provider must pay as a precondition to obtaining VoIP service.

The Commission expressed concern about how bundling affects the reporting of broadband prices. A review of various broadband providers shows that in some instances the bundled price with telephone service or television service is a set, discounted amount, with the telephone or television services price varying. For example, in Illinois, Verizon offers high speed Internet service with existing Verizon phone service at \$19.99 per month, but charges \$24.99 for high speed Internet without Verizon phone service.² See Exhibit 1. Similarly, Illinois Consolidated Telephone Company, which provides service in several smaller exchanges in central Illinois, offers high speed Internet with existing phone service, and a higher price without phone service. See Exhibit 2.

According to Comcast's customer service, in Northern Illinois, Comcast offers high speed Internet on a standalone basis for \$57.95, \$67.95 and \$84.95, depending on speed. If the service is obtained with cable television, however, there is a \$15.00 discount off the standalone broadband price. This type of pricing can be reported without regard to the price paid for other services, such as television, long distance and/or local telephone, or

² For up to 3 Mbps (upload speed) Verizon's prices are \$29.99 with phone service and \$34.99 without a phone service. Exhibit 1.

even wireless telephone. See Exhibit 3 for AT&T's bundled offers and Exhibit 5 for the unbundled prices of Wild Blue, a satellite provider.

The prices stated above do not include temporary promotions or discounts, and the People of the State of Illinois recommend that temporary promotions or discounts not be reported. Such temporary prices will expire, often after a set number of months. For example, on its web site Comcast currently offers a \$19.99 broadband rate that expires on September 30, 2008 and is only effective for six months, after which "regular charges apply." See Exhibit 4. A rate that expires automatically and reverts to regular charges does not represent the ongoing price that consumers will pay month-after-month for an ongoing broadband connection. The People do not recommend collecting temporary promotional prices because they do not represent the prices consumers actually pay on a regular, long term basis.

The Commission also seeks comment on whether there are any methods to derive a standalone price for broadband service when only bundled services are available from a provider. Rather than ask providers to derive a standalone price, or attempt to create a methodology for calculating a standalone price, the Commission should require reporting of bundled prices. When standalone prices are available, consumers can assess their needs and resources and make choices among services. When standalone prices are not available, consumer choice is curtailed. Reporting where only bundled prices are available may show whether the lack of a standalone price places price burdens on consumers, weakens competition, or affects independent VoIP subscriptions, among other things.

The Commission should not attempt to derive a standalone price where only

bundled prices are available. Broadband can be bundled with television, wireline telephone, or wireless telephone, and each of those services contains a wide range of options and pricing. Assigning price points to services in a bundle or to components of service (such as number of television stations, digital versus analog, sports add-ons, wireless minutes, long distance service, features) would require the use of either significant assumptions about price or a review of standalone prices, neither of which assure an accurate estimate of the broadband portion of the bundled price. In addition, a derived standalone price would be an academic exercise if it is not in fact available to consumers.

Where bundled prices are the only option to consumers, the lowest bundled price that includes broadband should be reported for each Census Tract, and the other service(s) in the bundle should also be reported. For example, if a provider will only provide broadband with cable television service, the least expensive package should be reported (such as basic cable). If a provider will only provide broadband with telephone service, the least expensive bundle should be reported (such as a network access line with no features if available). If the carrier offers larger bundles including broadband, television, and wireline and/or wireless telephone, the prices for bundles containing more than one service should also be reported so that it is possible to assess whether price is affecting the level of subscribership of broadband as well as other services.

V. The Commission Needs The More Detailed Location And Price Reporting To Comply With The Section 706 Requirement To Report On The Deployment Of Broadband Service.

Section 706 of the Telecommunications Act of 1996 (1996 Act), 47 U.S.C. 157 note, directs the Commission to regularly examine “whether advanced

telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.” The Reports issued by the Commission to date have been based on data collected on a zip code level, resulting in well-recognized inaccuracies. The improved and more granular Census Tract reporting will enable the Commission to respond to this Congressional directive more comprehensively and accurately. The Commission should be able to assess both the extent of broadband deployment and broadband competition by reviewing the location of broadband connections and the number and type of providers of that service.

Congress further directed the Commission to “take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market” in the event that the Commission finds that advanced telecommunications capacity is not being deployed to all Americans. 47 U.S.C. 157 note. With the reporting of pricing information, the Commission will be able to expand both its reporting and its understanding of disparate pricing options available in different parts of the country, in particular in urban and rural areas. If the data shows a correlation between low penetration and high prices, the Commission can consider what action would be appropriate to assure that all segments of our country receive an equivalent opportunity to participate in the Internet economy.

Census Tract level information on connections and price will greatly expand the Commission’s ability to evaluate the broadband market and comply with Congress’s directive to determine the extent of broadband deployment. The Commission will be able to expand its analysis to include the extent of broadband penetration in urban and rural areas, the presence of alternative providers in various parts of the country, and whether

there is a relationship between the number of providers, price, bundling, and the number of broadband connections in a given area.

VI. Broadband Mapping and Data Should Not Be Masked Or Redacted Where The Public Interest Requires Disclosure.

The Commission seeks comment on ways in which it can preserve confidentiality when sharing the information collected on Form 477. Para. 39. Carriers have asserted that they will be harmed if the location of broadband service as well as those locations where it is not available, are not kept confidential. This posture has hampered state governments in their efforts to gather information that are the precondition to the development of meaningful and targeted broadband deployment strategies. The bases for these confidentiality concerns, however, are less than clear.

The availability of a service to the public implies that the public knows of the service, and that an individual can find out if the service is available for purchase. The flip side of this requirement is that consumers must then also know where the service is unavailable. If a consumer wants to know if a certain type of store is available in the area, for example a Costco, a Home Depot, or a grocery store, the merchant would want the consumer to have that information available so that consumers could take their business to the store. It would be economically irrational for the merchant to not disclose where it has a store because if it discloses where its stores are located, competitors might open stores in unserved areas. The secretive store owner would lose local customers due to the lack of reliable and available information about where its services are available.

In its efforts to map broadband availability, many states have met claims from carriers that revealing the location of their services to the public will cause them

competitive harm, leaving states with incomplete and possibly inaccurate mapping. This argument should be treated with skepticism in that a publicly available service by definition needs to be known to the public so consumers can subscribe. Proponents of confidential treatment suggest that if the gaps in broadband availability are known, another carrier may offer service. But, if a competing carrier or other business fills in the gaps of availability, the public interest in serving everyone is furthered. A carrier can either extend service to that area or not. Unlike the days of exclusive franchises,^[1] today there are no limits on where or who can offer broadband service in a given location, and the Commission has based many elements of broadband policy on the assumption that broadband is a competitive service available from more than one provider. If service gaps are revealed through broadband mapping, the possibility that they will be filled as a result of mapping is a positive and desirable outcome. An existing carrier's desire to exclude possible commercial or public alternatives or competitors should not overcome the public interest in facilitating the expansion of broadband service to under-served or unserved areas.

In releasing information about the extent of broadband availability and connections, it is unnecessary to identify the carrier whose service is offered if the carrier does not want to be identified. For example, the Commission often reports on the number of telephone lines in service in a given area or state, the number of CLECs, and other data without naming the carriers. No further masking of carriers, however, should be countenanced. Broadband service is a commercial service offered to the public, and the public has a right to know where it is available, and at what cost.

^[1] For example prior to the Telecommunications Act of 1996 telephone service was provided by one carrier in an exclusive service territory. See, e.g., 220 ILCS 5/4-06.

VI. Conclusion

The People of the State of Illinois support the Commission's initiative to improve its collection and analysis of broadband information, and request that the Commission adopt the recommendations contained herein.

Respectfully submitted,

THE PEOPLE OF THE STATE OF ILLINOIS

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Entertainment	N/A	America's Top 100 with DishDVR Advantage	N/A	America's Top 100 with DishDVR Advantage
Wireless	N/A	N/A	AT&T Unity SM 900 with Rollover [®] Minutes	AT&T Nation SM 450 with Rollover [®] Minutes
High-Speed Internet	AT&T High Speed Internet Express	AT&T High Speed Internet Pro	AT&T High Speed Internet Pro	AT&T High Speed Internet Pro
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Combine your AT&T | DISH Network, Internet, home phone and wireless service in one convenient package at one low price.
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AT&T Triple Pack with AT&T UnitySM 900 and AT&T High Speed Internet Pro

Summary Pricing **Features** System Requirements Installation Options Terms & Conditions

AT&T UnitySM 900 with Rollover[®]

Unlimited mobile to mobile minutes
900 anytime minutes and unlimited night and weekend minutes
Exclusive rollover minutes and Domestic Long Distance
No roaming or long distance charges
Largest Mobile to Mobile community
Fewest dropped calls

AT&T High Speed Internet Pro

Easy and Convenient
Easy to follow customer self installation kit provided
Automatic email forwarding and address-change notification

Great Features
Faster online gaming, music, and movie downloads
11 free email accounts with virtually unlimited storage for each
Virtually unlimited photo storage
Free nationwide dial-up access when traveling
24/7 Customer Service

Safe and Secure
The All-in-One Protection Suite gives you peace of mind, with state-of-the-art security features
Secure firewall software keeps computer hackers out
Anti-virus software recognizes and removes harmful viruses
SpamGuard filters unwanted junk email
Pop-up blocker stops annoying ads
Flexible parental controls monitor your kids' online experience

ALL DISTANCE[®] ONLINE SELECT

AT&T Unlimited Nationwide Calling Select IISM
Provides unlimited domestic direct-dialed long distance and local toll

Custom Calling Features
Caller ID
Call Waiting
Call Waiting ID
Privacy Manager[®]
Three-Way Calling
Call Return
Call Forwarding
Select Call Forwarding
Call Screen
Priority Ringing
Repeat Dialing
Speed Calling 8
AT&T Metro PlanSM (Available in CA only)

For more information of custom calling features, please see AT&T Local Phone Features.

Convenient Billing

All the above services provided on the same bill.

Order this Product

ONLINE ONLY OFFER

Monthly Price **\$129.99**

[Order Now](#)

Compare Bundles

Find the bundle that's right for you.
[Compare](#)

New to AT&T

Order new service now. Get free installation. Create your own bundle.
[Order new service now](#)

Bundle even more

Combine your AT&T | DISH Network, Internet, home phone and wireless service in one convenient package at one low price.
[Discover how](#)

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AT&T Quad Pack

Summary Pricing Features System Requirements Installation Options Terms & Conditions

The AT&T Quad Pack offers a bundled package for your convenience. This bundle provides digital TV service, high-speed Internet, unlimited local and long distance calling, and 450 minutes of wireless service.

Qualify for up to \$250 Cash Back (\$100 for Pro DSL, \$50 for wireless service, and \$100 for digital satellite TV service).

What do you get with this bundle?

America's Top 100 with DishDVR Advantage

More than 100 television channels including CNN, Entertainment Channel, QVC, Comedy Central, Cartoon Network, and many more! Includes 2 room DVR service.

Order Now

\$39.99 ■ per month

AT&T High Speed Internet Pro

Great for faster online gaming, music, and movie downloads. Enjoy FREE WI-Fi access at over 17,000 hot spots nationwide. No term required. New DSL customers only.

Order Now

\$30.00 ■ per month

Order now and receive a FREE AT&T wireless gateway (\$79.99 value) or an AT&T modem (\$49.99 value) after rebate—online offer only.

ALL DISTANCE® ONLINE SELECT

Get unlimited nationwide calling plus up to 13 great calling features. Online-only offer.

Order Now

\$40.00 ■ per month

AT&T NationSM 450

Enjoy 450 anytime minutes, Rollover® Minutes, unlimited Mobile to Mobile minutes, 5000 nights and weekend minutes, and more. New wireless customers only.

Order Now

\$39.99 ■ per month

AT&T Quad Pack Total \$149.98 ■ per month

~~ONLINE-ONLY OFFER~~

With up to \$250 cash back

Order this Product

~~ONLINE-ONLY OFFER~~

Monthly Price **\$149.98**

To start, select any "Order Now" button on the left and then simply add each remaining service to your shopping cart.

Compare Bundles

Find the bundle that's right for you. Compare

New to AT&T?

Order new service now. Get free installation. Create your own bundle. Order new service now

Triple your value

Combine your Internet, home phone and wireless service in one convenient package at one low price. Discover how

Continue Shopping

Summary Pricing **Features** System Requirements Installation Options Terms & Conditions

America's Top 100 with DishDVR Advantage

Well-priced package for the family
More than 100 channels including CNN, Entertainment Channel, QVC, Comedy Central, Cartoon Network, and many more
Includes 2 room DVR service
You may qualify for \$100 cash back. See offer details*

AT&T High Speed Internet Pro

Easy and Convenient
Easy to follow customer self installation kit provided
Automatic email forwarding and address-change notification

Great Features

Surf the web and talk at the same time
11 free email accounts (each with 2 GB storage)
Virtually unlimited photo storage
Free nationwide dial-up access when travelling
24/7 Customer Service

Safe and Secure

The All-in-One Protection Suite gives you peace of mind, with state-of-the-art security features
Secure firewall software keeps computer hackers out
Anti-virus software recognizes and removes harmful viruses
SpamGuard filters unwanted junk email
Pop-up blocker stops annoying ads
Flexible parental controls monitor your kids' online experience

ALL DISTANCE® ONLINE SELECT

AT&T Unlimited Nationwide Calling Select II(SM)
Allows you to make an unlimited number of domestic direct-dialed local toll and long distance calls, anytime, anywhere in the U.S.

Custom Calling Features:

Caller ID
Call Waiting
Call Waiting ID
Privacy Manager®
Three-Way Calling
Call Return
Call Forwarding
Select Call Forwarding
Call Screen
Priority Ringing
Repeat Dialing
Speed Calling 8

AT&T Metro PlanSM (Available in CA only)

AT&T Nation(SM) 450 with Rollover®

Unlimited mobile to mobile minutes
450 anytime minutes and 5000 night and weekend minutes
Exclusive rollover minutes and Domestic Long Distance
No roaming or long distance charges
Largest Mobile to Mobile community
Fewest dropped calls

Order this Product

ONLINE-ONLY OFFER

Monthly Price **\$149.98**

To start, select any "Order Now" button on the left and then simply add each remaining service to your shopping cart.

Compare Bundles

Find the bundle that's right for you.
Compare

New to AT&T?

Order new service now. Get free installation. Create your own bundle.
Order new service now

Triple your value

Combine your Internet, home phone and wireless service in one convenient package at one low price.
Discover how

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- What if I forget my password?
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- What equipment do I need to experience Comcast's HD service?

Terms and Conditions

Offer ends 09/30/08. Offer is only available in wired and serviceable areas in participating Comcast systems (and may not be transferred) and is limited to residential customers satisfying applicable eligibility criteria. Offer not available to customers with unpaid account balances. To qualify for offer, service must be ordered via www.comcast.com. AFTER THE 6 MONTH PROMOTIONAL PERIOD OR IF ANY SERVICE IS DOWNGRADED, COMCAST'S REGULAR CHARGES APPLY UNLESS SERVICE IS CANCELED. SERVICE MAY BE CANCELED BY CALLING 1-800-COMCAST. Comcast's current monthly service charges for the advertised services may vary depending on your area. High-Speed Internet service limited to a single outlet. Service subject to Comcast standard terms and conditions. Unless indicated, prices shown do not include equipment and installation charges, taxes, or franchise fees. May not be combined with other offers. Speed comparison between Comcast 6.0 Mbps service and 1.5 Mbps DSL (downloads only). PowerBoost provides bursts of download and upload speeds for the first 10 MB and 5 MB of a file, respectively. Many factors affect speed. Actual speeds vary and are not guaranteed. Cable modem required. Not all features, including McAfee, compatible with Macintosh systems. Please call your local Comcast office for restrictions and complete details about service, prices and equipment. Comcast ©2008. All rights reserved. All other trademarks are the property of their respective owners.

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PACKAGES	Value Pak	Select Pak	Pro Pak
Features	Great for Internet users who email frequently and visit the web for information and news.	Ideal for frequent email use, heavy web surfing, music downloads, online shopping, and sharing photos.	Recommended for families and professionals with multiple computers in simultaneous use. Great for downloading music, videos or sending and receiving larger files.
Download Speed (up to)	512Kbps	1.0Mbps	1.5Mbps
Upload Speed (up to)	128Kbps	200Kbps	256Kbps
Email Addresses	5	5	10
Anti-Virus / Anti-Spyware Software	1 Year Free	1 Year Free	1 Year Free
Thresholds*	7,500 MB download 2,300 MB upload	12,000 MB download 3,000 MB upload	17,000 MB download 5,000 MB upload

[View a detailed comparison chart of our packages](#)

*A "threshold" is the amount of data that you can upload or download in a 30-day period before WildBlue's [Fair Access Policy](#) may reduce your speeds. Typically these thresholds affect less than 3% of our customers and help ensure optimum performance for all WildBlue customers.

PRICES	Value Pak	Select Pak	Pro Pak
Monthly Price	\$54.95	\$69.95	\$89.95
Standard Installation Price (MSRP)	FREE INSTALL!	FREE INSTALL!	FREE INSTALL!
Equipment Price (MSRP)	\$299.00 \$249.00	\$299.00 \$249.00	\$299.00 \$249.00

FREE INSTALLATION OFFER EXPIRES JUNE 30, 2008.

[Terms and conditions apply.](#) [ID: H103]

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Call WildBlue at **1-877-RING-WILDBLUE** (1-877-746-4945) to order today or get more information.

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